

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MARK A. CAMPBELL, also known as
NICOLE ROSE CAMPBELL and STEVEN
MILLER,

ORDER

Plaintiffs,
v.

Case No. 17-cv-775-jdp

SERGEANT BRUCE, ROBERT
KRUEGER, JASON ALDANA, STEVEN
JOHNSON, ROBIN DIEBOLD, PAUL
KEMPER, CATHY JESS, and CINDY
O'DONNELL,,

Defendants.

Plaintiff Steven Miller has submitted a motion for reconsideration, asking this court to order prison officials to pay the remainder of the filing fee balance from plaintiff's release account funds. Plaintiff's motion will be denied.

The use of inmate release account funds is governed by state law. It is only when a prisoner's general account has insufficient funds to pay the initial partial filing fee payment, that this court will order an institution to use release account funds to satisfy that initial partial fee payment. *Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005). There is no federal law that requires state officials to pay the entire filing fee or other litigation costs with release account funds.

Plaintiff Miller goes on to argue that paying the filing fee in 20% instalments creates an undue financial hardship, however this court has no authority to modify the method in which the filing fees are collected. Under the Prison Litigation Reform Act, an inmate who files a lawsuit in federal court under the *in forma pauperis* statute must pay the \$350 filing fee, first by

making an initial partial payment and then by sending the remainder of the fee to the court in installments of 20% of the preceding month's income in accordance with 28 U.S.C. § 1915(b)(2).

ORDER

IT IS ORDERED that plaintiff Steven Miller's motion for an order directing prison officials to pay the remainder of the filing fee in this case from plaintiff's release account is DENIED.

Entered this 11th day of December, 2017.

BY THE COURT:

/s/

PETER OPPENEER
Magistrate Judge